

REMARKS/ARGUMENTS

Claims 1 – 11 and 13-16 are currently pending in this application, as amended. By the present amendment, claims 1, 3, 5, 7, 8, 10, 11, 13 and 15 have been amended. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

ALLOWABLE SUBJECT MATTER

In the Action, it was indicated that claim 11 is allowed. Further, claims 3, 6-10 and 13-16 were only objected to as being dependent upon a rejected base claim. In response, claim 3 has been rewritten as an independent claim and claim 1 has been amended to become a dependent claim which is dependent upon claim 3. Further amendments have been made in order to correct the formalities noted in the Action. In view of the amendments, it is submitted that claims 1-11 and 13-16 should now all be in condition for allowance as independent claim 11 stands allowed and the other independent claim, claim 3, was indicated as including allowable subject matter. As the remaining claims depend directly or indirectly from claim 3, they should now also be allowable.

CLAIM OBJECTIONS

In the Action, objections were noted with respect to claims 1, 3, 5, 7, 8, 10, 11, 13 and 15, due to a number of minor informalities. Applicant has reviewed and amended the claims in accordance with the suggestions noted in the Action such that proper antecedents are provided and such that the plumbing fixture is not positively recited and the claims are directed to the sub-combination of the aerator. In view of the amendments noted above, it is believed that all of the objections have been addressed. Accordingly, withdrawal of the objection to the claims is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 3,902,671 to Simmons.

As noted above, claim 1 has been changed to be a dependent claim from claim 3, which has now been written in independent form. As claims 1, 2 and 4 now depend ultimately from claim 3, this rejection has been rendered moot.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. §103 as unpatentable over U.S. 2,196,783 to Schook.

As previously noted, claim 1 has been changed to depend from claim 3, which was rewritten as an independent claim. As claims 1, 2, 4 and 5 now depend directly or indirectly from claim 3, this rejection has also been rendered moot.

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-11 and 13-16, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

Dieter Katzer

By____/Randolph J. Huis/_____
Randolph J. Huis
Registration No. 34,626
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
RJH/dmm